

VZCZCXRO5685
PP RUEHGA RUEHHA RUEHQU RUEHVC
DE RUEHOT #0539/01 0611223
ZNR UUUUU ZZH
P 021223Z MAR 06 ZFR ZFR
FM AMEMBASSY OTTAWA
TO RUEHC/SECSTATE WASHDC PRIORITY 1568
INFO RUCNCAN/ALL CANADIAN POSTS COLLECTIVE PRIORITY
RUEHUJA/AMEMBASSY ABUJA PRIORITY 0026
RUEHAR/AMEMBASSY ACCRA PRIORITY 0021
RUEHBK/AMEMBASSY BANGKOK PRIORITY 1714
RUEHBJ/AMEMBASSY BEIJING PRIORITY 2093
RUEHBR/AMEMBASSY BRASILIA PRIORITY 0374
RUEHBM/AMEMBASSY BUCHAREST PRIORITY 0486
RUEHBY/AMEMBASSY CANBERRA PRIORITY 1163
RUEHCO/AMEMBASSY COTONOU PRIORITY 0012
RUEHGT/AMEMBASSY GUATEMALA PRIORITY 0056
RUEHHI/AMEMBASSY HANOI PRIORITY 0277
RUEHKV/AMEMBASSY KIEV PRIORITY 0264
RUEHKL/AMEMBASSY KUALA LUMPUR PRIORITY 0305
RUEHKU/AMEMBASSY KUWAIT PRIORITY 0317
RUEHPC/AMEMBASSY LOME PRIORITY 0061
RUEHML/AMEMBASSY MANILA PRIORITY 0003
RUEHME/AMEMBASSY MEXICO PRIORITY 1489
RUEHMO/AMEMBASSY MOSCOW PRIORITY 2054
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 0294
RUEHNM/AMEMBASSY NIAMEY PRIORITY 0115
RUEHOU/AMEMBASSY OUAGADOUGOU PRIORITY 0089
RUEHPF/AMEMBASSY PHNOM PENH PRIORITY 0059
RUEHGO/AMEMBASSY RANGOON PRIORITY 0404
RUEHUL/AMEMBASSY SEOUL PRIORITY 1423
RUEHTG/AMEMBASSY TEGUCIGALPA PRIORITY 0075
RUEHTI/AMEMBASSY TIRANA PRIORITY 0048
RUEHVN/AMEMBASSY VIENTIANE PRIORITY 0380
RUEAHL/DEPT OF HOMELAND SECURITY WASHDC PRIORITY
RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY
RUEHC/DEPT OF LABOR WASHDC PRIORITY
RUEATRS/DEPT OF TREASURY WASH DC PRIORITY

UNCLAS SECTION 01 OF 14 OTTAWA 000539

SIPDIS

SIPDIS

DEPT FOR WHA/PPC J. BENSON, G/TIP, G, INL, DRL, PRM, IWI,
USAID

E.O. 12958: N/A

TAGS: [PHUM](#) [PREF](#) [KCRM](#) [KWMN](#) [KFRD](#) [SMIG](#) [ASEC](#) [ELAB](#) [CA](#)

SUBJECT: 2006 TRAFFICKING IN PERSONS REPORT: CANADA

OTTAWA 00000539 001.2 OF 014

DRAFTER REQUESTED THIS MESSAGE BE CANCELED PLS ZFR ALL SECTIONS

OTTAWA 00000539 002 OF 014

for their newly renamed Human Trafficking National Coordination Center (HTNCC) that coordinates domestic trafficking efforts with six RCMP immigration and passport regional offices. Recent and continuing long-term cross-border operations by U.S. and Canadian law enforcement that require extensive investigations, many making use of intelligence sharing techniques, have produced arrests of individuals on smuggling charges. 2005 saw the first arrests under two separate laws relating to sex tourism and cross-border trafficking. Localized efforts, particularly in British Columbia where the problem is publicly acknowledged in the most high profile way in the country, are noteworthy, although in their nascent stages.

Law Enforcement Data

15. (U) There have been no new comprehensive quantitative assessments about the smuggling or trafficking problem in Canada since the 2004 RCMP report that estimated between 600 and 800 people are smuggled into the country annually. The Government of Canada suggests that small, but unquantifiable, numbers of trafficking victims or potential trafficking victims, enter the country illegally or legally and that, due to the small number of confirmed cases and in order to protect the integrity of ongoing investigations, no specific information on individual trafficking cases could be provided for this report. The extent of domestic trafficking in Canada is difficult to determine, given that citizenship, ethnic background or place of habitual residence of the victim is often not made available. Conversations with members of the NGO community failed to produce specific data corroborating claims of increased numbers of trafficking victims. However, both U.S. and Canadian immigration and law enforcement officials acknowledge that law enforcement cooperation on smuggling as well as on individual trafficking cases has been positive and fruitful.

16. (U) In 2005, DHS and Canadian law enforcement (RCMP, CBSA and CSIS) cooperation, both through the use of Integrated Border Enforcement Teams (IBETs) as well as localized relationships particularly in the Vancouver and Qlocalized relationships particularly in the Vancouver and Toronto areas, has resulted in the arrests of at least 17 individuals on human smuggling charges. Due to slow administrative procedures, combined with charges also being filed in the U.S., some Canadian offenders are extradited to the U.S. for trial, sentencing and incarceration. DHS officials in Canada estimate that they have worked cooperatively with Canadian law enforcement on at least five trafficking cases and investigations are ongoing.

17. (U) From March 1, 2005 to January 31, 2006, U.S. border officials, including joint U.S./Canadian IBETs, have provided unofficial statistics that have identified 1,088 individuals claiming to have been smuggled into the U.S. Of those, 221 have been verified as legitimate smuggling cases. These figures are based on individuals having been apprehended in

OTTAWA 00000539 003 OF 014

the U.S., many within a few miles of the U.S./Canadian border. 47 different source countries comprise the claims, with Mexico, Guatemala, China, South Korea, Brazil and Honduras (in descending order) being the countries with the greatest numbers. Of those individuals whose claims to have been smuggled were verified, 28 different source countries were evident. They were South Korea, India, Mexico, Canada and China (in descending order). Of those with verified claims, the average cost paid for the smuggling ranged between \$50 and \$8,000.

18. (U) There are currently seventeen ongoing investigations under related offenses of the Immigration and Refugee Protection Act (IRPA), including the Section 118 that specifically prohibits trafficking in persons. During the reporting period, there were six TIP-related convictions under various Criminal Code offenses. The sentences imposed varied based on the particular offense. Nine other TIP-related cases with charges under the Criminal Code remain pending. For the reporting period, there were seven cases of individuals prosecuted for offenses related to migrant smuggling, for which five convictions were obtained. One case remains pending and the other prosecution resulted in an acquittal.

19. (U) Statistics-Canada is expected to release police-reported smuggling data for calendar year 2005 and an annual Criminal Court Survey for fiscal year 2005/2006 (April 1, 2005 to March 31, 2006) during the summer. However court-reported data on prosecutions of migrant smuggling cases for the two year period from 2002 to 2004 (under Section 117 of IRPA) indicate an increase from four to fourteen prosecutions, as well as a corresponding increase in

convictions from two to ten.

¶10. (U) According to the 2005 Criminal Intelligence Service Canada's (CISC) Annual Report on Organized Crime, Canada is a destination and transit country for trafficking victims who are brought to Canada for the purpose of forced labor and sexual exploitation. Asian and Eastern European crime groups have been involved in trafficking victims from Eastern Europe Qhave been involved in trafficking victims from Eastern Europe (including Albania and Russia), Africa and Asia (including Thailand, Cambodia, Malaysia, Vietnam, the Philippines, China and South Korea). In addition, domestic crime rings, using tactics of deception and coercion similar to those practiced by international human traffickers, target and traffick women from the Atlantic provinces to large urban centers in other parts of Canada.

PREVENTION

Raising Trafficking Awareness

¶11. (U) Federal Level Training and Outreach: The RCMP,
OTTAWA 00000539 004 OF 014

Canada's national policing agency, has implemented training programs to help immigration and customs officers recognize trafficking victims. For example, new cadets at the national training academy regularly receive training to recognize trafficking victims and implement strategies in combating the problem. The booklet "Human Trafficking: Reference Guide for Canadian Law Enforcement" published in May 2005 by the University College of the Fraser Valley (British Columbia) Press is used as a training handbook and has been distributed to federal, provincial and municipal law enforcement officials. Twice a year, the RCMP conducts week-long training seminars with a one-day focus on human trafficking for RCMP members and agencies outside the RCMP including, for example, the Department of Homeland Security (DHS), the Canada Border Services Agency (CBSA) and international police forces. This training includes discussion of relevant sections of IRPA and the Criminal Code, and now will include the new offenses contained in Bill C-49 (see paragraphs 16 and 17). In May 2005, the RCMP organized a training seminar for police, prosecutors, other law enforcement officials and members of civil society. RCMP officials participated in training and awareness sessions on TIP in Australia and in the U.S., the latter in partnership with DHS. The RCMP is currently developing a power point presentation and video for use in training trainers for law enforcement officers and NGOs. This initiative is expected to be finalized in spring ¶2006. A Department of Justice training session for the RCMP on Bill C-49 is scheduled for March 2006.

¶12. (U) In April, to mark Refugee Rights Day, the Canadian Red Cross and the Canadian Council for Refugees hosted a public forum in Vancouver on human trafficking.

¶13. (U) In May, the RCMP, the Canadian Department of Public Safety and Emergency Preparedness Canada (PSEPC) and the British Columbia Justice Institute held the Pacific Northwest Conference on International Human Trafficking in Vancouver. The conference focused on the arrest and prosecution of QThe conference focused on the arrest and prosecution of traffickers.

¶14. (U) In November, the Canadian Red Cross and the Canadian Council for Refugees, with a financial contribution from the IWG, co-organized a conference in Vancouver entitled, "Look Beneath the Surface: Community Responses to Human Trafficking." The conference, attended by 200 participants from civil society, federal/provincial/municipal levels of government and faith-based organizations, focused on raising awareness, encouraging local activism and providing services to trafficking victims.

INVESTIGATION AND PROSECUTION OF TRAFFICKERS

Canadian Anti-Trafficking Legislation

OTTAWA 00000539 005 OF 014

¶15. (U) Canada's criminal laws prohibit trafficking for all purposes regardless of whether the trafficking occurred wholly within Canada or whether it involved bringing individuals into Canada for the purpose of exploitation.

¶16. (U) Bill C-49, An Act to Amend the Criminal Code (Trafficking in Persons), became law on November 25, 2005. The legislation empowers local police, who are not authorized to lay charges under the 2002 Immigration and Refugee Protection Act (IRPA) that RCMP enforces, to use the Criminal Code to arrest individuals for trafficking offenses. The legislation specifically criminalizes trafficking in persons, prohibits persons from benefiting economically from trafficking in persons and prohibits the withholding or destroying of identity, immigration or travel documents to facilitate the trafficking of persons.

¶17. (U) Penalties for C-49, depending on the specific charge, include imprisonment for up to 14 years, but can be increased to life for aggravating circumstances. This legislation, which does not require any cross-border movement, supplements IRPA and related offenses in the Criminal Code (fraudulent documentation, prostitution-related offenses, physical harm, abduction and confinement, intimidation, conspiracy, and organized crime) that have been and can be used to combat trafficking. Trafficking offenses under IRPA's Section 118 carry a maximum penalty of life imprisonment and a fine of up to \$870,000 (Cdn \$1 million).

¶18. (U) Bill C-2, An Act to Amend the Criminal Code (Protection of children and other vulnerable persons) and the Canada Evidence Act, became law on July 20, 2005. The legislation strengthens provisions in the Code intended to protect children and other vulnerable persons from sexual exploitation, violence, abuse and neglect. It facilitates the participation of child victims/witnesses and vulnerable persons by providing testimonial aids, such as screens and closed-circuit television, and by eliminating the need for a competency hearing prior to the admission of testimony from a child under 14. The new maximum penalty for the offense of sexual exploitation of a minor between the ages of 14 and 18 has been increased from five to ten years and a minimum sentence of 45 days has been imposed.

Establishment of an RCMP Trafficking Center

¶19. (U) In 2005, the RCMP established the Human Trafficking National Coordination Center (HTNCC) within the Immigration and Passport Branch. It is currently staffed with two RCMP officers and one analyst; three additional officers are expected in the upcoming months. The Center's mandate includes domestic and international coordination of intelligence gathering and sharing, monitoring investigations, analytical services and data collection. The HTNCC is tasked with developing a national enforcement strategy to combat trafficking.

OTTAWA 00000539 006 OF 014

¶20. (U) There are also six regional RCMP Human Trafficking Awareness Coordinators whose responsibilities include investigation and intelligence gathering on TIP cases, coordination with provincial and municipal law enforcement and NGO service providers, as well as training outreach to

CIC, CBSA and municipal police forces to raise their awareness about individuals who are potential trafficking victims.

Various Relevant Penalties

¶21. (U) Maximum penalties for sexual assault offenses range from ten years to life imprisonment, dependent upon aggravating circumstances and use of a firearm. Bill C-2 increases the maximum penalties on summary conviction for child specific offenses from six to eighteen months and doubles the maximum penalty on indictment for sexual exploitation of a young person from five to ten years.

Prostitution

¶22. (U) The Criminal Code of Canada does not specifically prohibit adult prostitution but rather prohibits related activities such as solicitation, procuring, living on the avails and operating a bawdy house. Prostitution of persons under 18 years of age is prohibited. There are conflicting reports that local Vancouver police regularly raid strip clubs or massage parlors but that, in Toronto, this occurs only when the community at large complains about them. In Toronto, for instance, strippers, strip clubs and massage parlors (but not masseuses) are licensed by the city and, while owners of strip clubs and massage parlors are closed down for code violations, they are often allowed to obtain new licenses for new facilities. Ontario courts reportedly send approximately 30 men per month to the Toronto "john school" in an effort at demand reduction. In November 2004, a parliamentary sub-committee began a review of Canada's solicitation laws in order to improve the safety of sex-trade workers and to recommend changes that would limit the exploitation of and violence against them. While the hearings have been completed, the final report was not issued prior to the dissolution of Parliament in November 2005.

Q

Trafficking Investigations

¶23. (U) On April 14, 2005, Canadian law enforcement brought the first case under IRPA against a Chinese owner of a massage parlor who was charged with two counts of human trafficking for bringing women into the country under false pretenses and coercing them into prostitution. His victims have voluntarily returned to China, their country of origin, and are expected to return for the ten-week trial, expected to begin in a Vancouver court on March 28. However, a constitutional challenge has been brought and, at this time, it is unclear whether the trial will proceed as planned. The

OTTAWA 00000539 007 OF 014

Canadian legal system has no provisions for either administrative or grand jury subpoenas, requiring any inter-agency cooperation in the form of court orders approved by judges. The result is that the gathering of evidence is slower and more cumbersome and it takes longer before cases are brought to trial.

¶24. (U) In 1997, Canada's criminal laws were amended to permit Canadian prosecution of Canadian citizens or permanent residents who engage in prohibited sexual activity with children while abroad. One individual was charged and convicted in June 2005 of child sex tourism offenses under Section 7, Sub-section 4.1 of the Criminal Code, for crimes committed with children under age 14 in Cambodia. The individual was the subject of an investigation for torturing prostitutes in Vancouver. In the course of the investigation, the individual's personal computer was confiscated and found to contain a record of his illicit international activities. He was charged with 22 counts of assault on adult prostitutes and 16 counts of child sex tourism for actions that occurred outside of Canada. The individual pled guilty and is currently serving a ten year sentence.

¶25. (U) On February 24, the provincial Royal Newfoundland Constabulary announced the arrests of two individuals, a Canadian and a Kuwaiti-born Canadian citizen, on 30 charges stemming from an investigation into a child pornography ring in Newfoundland. The two individuals, whose alleged victims include seven girls between the ages of 13 and 16, are charged under the Criminal Code with committing a variety of offenses between Sept. 1, 2005 and January 24, 2006, prior to the passage of either of the new pieces of legislation discussed above.

Federal versus Provincial Prosecutions

¶26. (U) The prosecution of offenses in Canada is shared between the Provincial Attorneys General and the Federal Attorney General. Generally, charges under federal legislation other than the Criminal Code, such as those laid under IRPA, are prosecuted by federal prosecutors. Criminal Code offenses are prosecuted by provincial prosecutors. QCode offenses are prosecuted by provincial prosecutors. Provincial Attorneys General may provide the Federal Attorney General authority to prosecute Criminal Code cases and the Federal Attorney General may provide Provincial Attorneys General authority to prosecute IRPA cases, as appropriate; for example, where one set of facts gives rise to numerous charges under both IRPA and the Criminal Code, authority may be delegated to one Attorney General to prosecute all offenses.

Exotic Dancer Visa Program

¶27. (U) In December 2004, the Canadian government eliminated the blanket waiver of the Labor Market Opinion

OTTAWA 00000539 008 OF 014

that had previously existed for obtaining an "exotic dancer" visa. Currently, in response to an individual employer's request to hire a temporary foreign exotic dancer, Human Resources and Skills Development Canada (HRSDC) assesses the impact on the labor market, produces an opinion and issues a letter to the employer for use by the employee in obtaining a visa overseas. An employer is required to provide an employment contract, not to exceed one year, that contains, among other conditions, various wage and benefit requirements. Provinces are authorized to enforce the contract's working conditions. During calendar year 2005, fewer than ten temporary work permits were issued overseas to individuals seeking to come to Canada for employment as exotic dancers. During the same period, Citizenship and Immigration Canada (CIC) renewed and issued 63 work permits in Canada to applicants requesting exotic dancer permits. These include applications received at ports of entry from nationals of countries not requiring temporary resident visas to enter Canada. Of these, 81% (or 51) were issued to Romanian nationals.

South Koreans

¶28. (U) South Korea was admitted into Canada's Visa Waiver Program in 1995. The decision was reviewed and upheld in 2005, after the integrity of the program was substantiated by Citizenship and Immigration Canada. As of November, Citizenship and Immigration Canada (CIC) reported that 47 countries are visa exempt and 140 require visas. During the rating period, there were no specific reports of trafficking victims from South Korea by either the Canadian law enforcement or NGO community.

Cooperation in International Trafficking Investigations

¶29. (U) Canada cooperates extensively with the U.S. on all matters involving the shared border, including on those impacting the crossing of persons and goods. Joint multi-year investigations and operations by U.S. and Canadian law enforcement identify, track and lead to the arrests of individuals on smuggling charges. On February 14, a

cooperative two-year ICE, RCMP and CBSA investigation
Qcooperative two-year ICE, RCMP and CBSA investigation
resulted in the arrests of 17 individuals, 12 of whom were
Canadians, for their alleged part in a smuggling ring that
passed illegal aliens from the U.S. to Canada and from Canada
to the U.S. Over the two years, border officials intercepted
more than 100 illegal aliens from China, South Korea, Albania
and Eastern Europe. More arrests in this case are expected.
In addition, there are several additional joint
investigations currently underway.

130. (U) Canada, with PSEPC in the lead, participates in the
regular meetings of the Canada-U.S. Cross-Border Crime Forum
(CBCF). Canada is working on a Joint U.S./Canadian Threat
Assessment on Human Trafficking that will be presented at the
fall 2006 session of the Cross-Border Crime Forum.

OTTAWA 00000539 009 OF 014

131. (U) The GOC reports that Canadian officials have
received cooperation from source countries in Asia where
known victims have originated (for instance, in the upcoming
IRPA prosecutions against an accused Chinese trafficker and
his two Chinese victims). The GOC has assisted countries in
Asia and in Eastern Europe but concerns about the victims'
identity and the integrity of the investigation limit the
availability of additional information.

Examples of Programming in Source Regions

132. (U) During the reporting period, the Canadian
International Development Agency (CIDA) and Foreign Affairs
Canada (FAC) have funded counter-TIP projects worldwide,
including in source countries. Efforts include the
following:

- \$87,000 (Cdn \$100,000) CIDA funding to support UNICEF and
its partners in advocacy anti-TIP activities with Russian
authorities and the NGO sector.
- \$870,000 (Cdn \$1 million) CIDA funding to the OSCE's
Anti-Trafficking Program for awareness raising activities,
researching the scope of the problem and identifying and
providing assistance to victims, largely in the Balkans.
- \$522,000 (Cdn \$600,000) CIDA funding for Cambodian women
and girls to improve awareness and increase available
protection for domestic violence, abuse and trafficking for
sexual exploitation.
- CIDA is working with the United Nations Interagency
Program (UNIAP) to address trafficking in Cambodia, China,
Lao, Myanmar, Thailand and Vietnam.
- \$87,000 (Cdn \$100,000) FAC funds for an anti-TIP
prevention and reduction project in Benin, Burkina Faso,
Ghana, Niger, Nigeria and Togo.
- \$78,000 (Cdn \$90,000) to UNODC for the development of
multi-lingual public service announcements combating
trafficking and the production and distribution of a
feature-length film on the topic.
- Over the past year, the Canadian Embassy in Ukraine, in
cooperation with a variety of international organizations and
Ukrainian NGOs and government officials, sponsored two
anti-TIP training courses for some 80 representatives of
foreign consulates and embassies. The Embassy has also
Qforeign consulates and embassies. The Embassy has also
trained call center operators from the International
Organization for Migration's (IOM) newly-established Centers
for Migrant Advice.

International Fora

133. (U) Canada participates in international fora on
combating trafficking in persons, including the United
Nations, the Organization of American States (OAS), the North
Atlantic Treaty Organization (NATO), the International Labor
Organization (ILO), the Organization for Security and
Cooperation in Europe (OSCE), the IOM, the Regional

Conference on Migration (the Puebla Process); the Bali Process and the Beijing 10 Platform for Action.

¶34. (U) On November 14, 2005, Canadian officials participated in the international Expert Group Meeting on International Trafficking, hosted by South Korea, the focus of which was prosecution of traffickers. Since 1999, the RCMP has met annually with Chinese counterparts through the Canada/China Working Group that has formalized the countries' law enforcement discussions and assisted in human trafficking investigations in both countries. The RCMP also represents Canada at the annual Interpol Working Group on Trafficking in Women and the Europol Annual TIP Experts meetings. An RCMP official will be chairing a working group session on victim protection at the upcoming INTERPOL Working Group Meeting, scheduled to take place in April 2006.

International Agreements and Treaties

¶35. (U) Canada ratified ILO Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labor on June 6, 2000. Canada ratified ILO Convention 105 on forced or compulsory labor on July 14, 1959. It has not ratified ILO Convention 29. Canada ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography on September 14, 2005. Canada ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime on May 13, 2002.

----- PROTECTION AND ASSISTANCE TO VICTIMS -----

Trafficking Victims' Assistance

¶36. (U) Protection responsibility is shared among federal, provincial/territorial and municipal authorities. Challenges exist in coordinating efforts both across Canada as well as into individual communities as well as providing consistent services across the provinces. For instance, while the government of Ontario provides no funding for safe houses, provincial governments in British Columbia, Alberta and Qprovincial governments in British Columbia, Alberta and Manitoba allocate funds for this purpose.

¶37. (U) The province of British Columbia, under the Ministry of Public Safety and Solicitor General, has taken a leading role in encouraging the coalescence of local governmental and civil society organizations to meet the needs of trafficking victims and currently funds over 150 programs. The current budget for victim services in British Columbia is \$8.26 million (Cdn \$9.5 million). The Ministry's Victims Services and Community Programs Division utilizes the skills and experience of already established women's,

immigrant and faith-based organizations to provide a range of social, health, rehabilitation and shelter services. Municipalities also assist with social services and victims' assistance programs and often turn to existing NGOs to meet the needs. Challenges exist in coordinating across these various levels of government as well as in providing consistent, transparent and accessible services to individual victims.

¶38. (U) While no specific anti-trafficking hotline exists in Canada, various hotlines exist for victims of crime. In British Columbia and the Yukon Territory, VictimLINK is a toll-free 24/7 service that provides information and referrals to crime victims in 26 languages. Ontario has a

province-wide toll-free hotline that links crime victims to counselors and community services. Challenges exist in making these resources readily known to those who might need them. Officially launched in January 2005 as Canada's national tip-line, cypertip.ca has resulted in the arrest of 17 individuals and 972 websites have been shut down. In 2005 - 2006, approximately 5800 reports of potential online sexual abuse of children had been received.

¶39. (U) While not specifically developed to provide a response to trafficking victims, the Department of Justice established the Victim Fund in 2000 to which NGOs may apply for funds to develop programs to fill gaps in service delivery to victims.

Protection of Children

¶40. (U) The British Columbia Ministry of Children and Family Development provides protection and guardianship services to children and youth to age 19. Children under the Ministry's care, which may include trafficked children, are eligible to receive housing, health and dental care, legal assistance with immigration and refugee-related matters, counseling services and language training, regardless of their immigration status. They may also attend school. In February 2006, the Government of British Columbia committed approximately \$366 million (\$421 million) over four years to assist vulnerable children and their families.

¶41. (U) The province of Alberta, under the Protection of Children Involved in Prostitution Act, provides protective intervention for individuals under 18 engaged in prostitution as well as a variety of services, including protective safe houses to assist youth exiting the sex trade. The legislation imposes penalties for johns and pimps who cause a child to be in need of protection under this legislation. During the 2001 and 2003 fiscal years, 194 individuals were placed into protective safe houses. Saskatchewan provides similar protections under the Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act.

Shelters

OTTAWA 00000539 012 OF 014

¶42. (U) While not specifically oriented toward trafficking victims, the federal government has invested \$1 billion (Cdn \$1.158 billion) in the National Homelessness Initiative (NHI) since its inception in 1999. Within these six years, community-based projects have created over 10,000 permanent beds in shelters and other transitional housing. The NHI allocates funds for the purchase, construction and renovation of shelters as well as for the establishment of new support services, including training, skills development, counseling and materials such as clothing and/or blankets for those at risk. Challenges exist, however, in providing emergency shelters for trafficking victims and their dependents, particularly due to the possible increased risk stemming from the organized crime component. Managers at shelters occasionally express resistance in accepting trafficking victims and their dependents out of concern that their presence may put other clients at risk.

Trafficking Victims' Protection

¶43. (U) Foreign victims of trafficking in Canada may apply for legal status under Canadian immigration law but are reportedly often afraid to ask law enforcement for help for fear of being deported due to immigration violations. Many academics and members of grassroots organizations, as well as some in provincial government and law enforcement circles, recognize this short-coming and support a change to Canadian federal immigration law to enable victims to come forward without fear of deportation. Currently, no provision in the law exists for a cooling-off period to permit the victim

legalized status and access to assistance prior to pursuing immigration options. In addition, none of the immigration options is accorded automatically but rather on a case-by-case basis. Often, trafficking victims are discovered in an RCMP or local police raid and individual law enforcement officers contact the Canada Border Services Agency (CBSA) and/or Citizenship and Immigration Canada (CIC) to seek regularized status for the individual. Without non-immigration alternatives or a formalized system specifically oriented toward trafficking victims, the victim of trafficking remains at the mercy of the enforcement officials, rather than the subject of a systematic resolution to status issues with corresponding assistance programs.

¶44. (U) There are three primary avenues and one avenue of last resort. The three primary avenues are: 1) refugee and/or protected status determined by an application to the Immigration and Refugee Board, 2) temporary residency (TRP) status and 3) humanitarian and compassionate applications. Each of these provisions is complicated if there have been prior immigration violations that have resulted in a removal order. The other mechanism, pre-removal risk assessment (PRRA) is an option only when an individual is ready to be removed from the country and requires various administrative steps prior to being granted. This status is granted to

OTTAWA 00000539 013 OF 014

approximately 3 to 5 percent of those who apply.

¶45. (U) Refugee or protected status may be accorded to individuals who fear returning to their home country. Some trafficking victims, however, do not leave exploitative situations; rather, they experience them in Canada, thereby complicating this avenue as a possible solution to their status issues. Individuals request this status designation either at a port of entry or in Canada. If a claimant is determined by a CBSA or CIC official to be eligible, the claim is forwarded to the Immigration and Refugee Board (IRB) for a risk assessment if the individual is returned to his/her country of origin. To qualify, the IRB must determine that the individual meets the definition of a refugee under various U.N. conventions/protocols. Once a claim is referred to the IRB, an individual may receive essential health benefits, welfare and other social services, as needed.

¶46. (U) A foreign national who is otherwise inadmissible, including someone who has been trafficked, may apply to CIC for a TRP. If granted, the individual may be permitted to stay in Canada for a specific period of time with a possible extension. TRP holders may apply for permanent residence after three or five years and may apply for work or study permits. Due to the decentralization that authorizes individual provinces and territories to develop eligibility criteria for health care delivery, legal aid and social assistance, a TRP holder's access to these services depends upon the location in which the service is requested and varies accordingly.

¶47. (U) Humanitarian and compassionate applications, at a cost of \$478 (Cdn \$550), are made to CIC which uses its discretionary authority in considering a victim's demonstrated ties to Canada. While this avenue can result in permanent residence status and can overcome a pending removal order, trafficking victims may find it difficult to meet the necessary criteria for approval. There are no federal benefits available to an individual who is granted this status.

Witness Protection Program
QWitness Protection Program

¶48. (U) The Witness Protection Program Act provides the legal framework to protect persons who are involved in providing assistance to law enforcement in various matters. Protection can include relocation, accommodation and change

of identity, as well as counseling and financial support necessary to ensure the security of the person and to facilitate their re-establishment and self-sufficiency. The RCMP manages the Source Witness Protection Program. As of February 2006, no victims of human trafficking have applied for protection under this program.

National Missing Children's Registry

OTTAWA 00000539 014 OF 014

¶49. (U) The National Missing Children Services (NMCS), a national police service, assists law enforcement agencies in the investigation, location and return of missing children to their parent or legal guardian. The NMCS, housed within RCMP Headquarters in Ottawa, works in partnership with the RCMP, CBSA, FAC and DOJ. In addition to managing missing children files and identifying possible links to trafficking in persons, the NMCS conducts training workshops for law enforcement personnel. In 2005, four NMCS training workshops reached 107 law enforcement personnel and a fall 2005 national training conference had 130 participants.

POINT OF CONTACT

¶50. Embassy point of contact is Human Rights Officer Lisa Bess Wishman. Her telephone number is 613-688-5240. The fax number is 613-688-3098 and e-mail is wishmanlb@state.gov. Mission-wide, approximately 80 hours were spent researching and writing this report.

Visit Canada's Classified Web Site at
<http://www.state.sgov.gov/p/wha/ottawa>

WILKINS